

### REMARKS

Claims 90, 94, 96, 97, 107, 111, 112, 120, 124, 125, and 133-150 are pending in this application, with claims 90, 107, 120 and 133-136 being independent. Claims 133-135 have been amended, and claims 151-153 have been added. No new matter has been added.

#### ***Claim Rejections – 35 U.S.C. § 103***

Independent claims 90, 107, 120, 133-136, along with their dependent claims 94, 96, 97, 111, 112, 124, 125, and 137-150 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Number 6,553,113 (“Dhir”) in view of U.S. Patent Number 6,665,644 (“Kanevsky”). Applicant respectfully traverses this rejection for the reasons set forth below:

##### ***A. Rejection of independent claims 90, 107, and 120, and their dependent claims.***

Independent claim 90 recites a process for assisting presentation of sales pitches appropriate for a particular telephone caller of a customer service call center. The process includes receiving and handling at a customer service call center an incoming service call from a caller seeking assistance and leveraging the incoming service call for assistance as a conduit for soliciting the caller to purchase merchandise or services. The leveraging includes identifying a caller identity or a first caller attribute related to the caller, storing in a first electronic database, prior to the receipt of the incoming service call from the caller, a sales pitch preference of the caller, as an additional attribute, comprising a preference of the caller not to receive any sales pitches. The leveraging also includes searching the first electronic database to determine the additional attribute of the caller based on at least one of the caller identity or the first caller attribute, omitting to search a second electronic database of potential sales pitches for a sales pitch based upon at least the additional attribute of the caller, and routing the service call to a human operator.

Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 90 and its dependent claims because Dhir and Kanevsky, either alone or in combination, fail to describe or suggest at least “storing in a first electronic database, prior to the receipt of the

incoming service call from the caller, a sales pitch preference of the caller, as an additional attribute, comprising a preference of the caller not to receive any sales pitches" (emphasis added), as recited in claim 90.

The Office Action acknowledges that "Dhir does not disclose a preference of the caller not to receive any sales pitch." Office Action, at page 3, lines 17-19. Instead, the Office Action relies on Kanevsky to show this feature. Applicant respectfully asserts that Kanevsky is equally deficient.

Kanevsky relates to a method for collecting data associated with the voice of a voice system user. Abstract. The system determines from the voice of the user whether the user is in a happy emotional state, or whether the user is in a fearful and angry emotional state, and the system provides the user with a different response depending on whether the user is in a happy or an angry emotional state. Col. 11, lines 49-53. Specifically, if the user is in a happy emotional state, the system offers to the user at least one of a product and a service. Col. 11, lines 53-55. Alternatively, if the user is in an angry emotional state, the system transfers the user from an IVR system to a human operator. As such, Kanevsky teaches a system that makes an inference, from the user's current emotional state, as to whether the user should be provided with a particular offer or instead transferred to a human operator. Accordingly, Kanevsky does not describe or suggest storing a caller's actual preference not to receive any sales pitches.

This distinction is important because Kanevsky's system is simply unable to satisfy a caller's actual sales pitch preferences. For example, an angry caller may still be interested in a sales pitch, and thus may have a preference to receive sales pitches, yet Kanevsky's system would not permit that caller to receive a sales pitch because the caller is detected as being angry. Similarly, a happy caller may not be interested in receiving any sales pitches, and thus may have a preference not to receive any sales pitches, yet Kanevsky's system would burden that caller with an undesired sales pitch simply because the system detected the caller as being happy. In sum, Kanevsky's system detects and stores moods of a caller and presents or does not present sales pitches based on the detected moods. Kanevsky's system, however, does not store caller sales pitch preferences, much less a caller sales pitch preference not to receive any sales pitches.

Accordingly, Kanevsky fails to describe or suggest “storing in a first electronic database, prior to the receipt of the incoming service call from the caller, a sales pitch preference of the caller, as an additional attribute, comprising a preference of the caller not to receive any sales pitches” (emphasis added), as recited in claim 90. For at least the forgoing reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 90, along with its dependent claims.

Independent claim 107 recites a system for leveraging an incoming service call for assistance as a conduit to assist a human operator to solicit the caller to purchase a merchandise or service. The system includes, among other features, “a first electronic database configured to store as an attribute related to the caller and prior to the receipt of the incoming service call from the caller, a sales pitch preference of the caller comprising a preference of the caller not to receive any sales pitches.” As such, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 107, along with its dependent claims, for at least the reasons presented above with respect to claim 90.

Independent claim 120 recites a computer program stored on a computer readable medium for leveraging an incoming service call for assistance as a conduit to assist a human operator to solicit the caller to purchase a merchandise or service. The computer program includes, among other features, “a first database code segment configured to store as an attribute related to the caller and prior to the receipt of the incoming service call from the caller, a sales pitch preference of the caller comprising a preference of the caller not to receive any sales pitches.” As such, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 120, along with its dependent claims, for at least the reasons presented above with respect to claim 90.

*B. Rejection of independent claims 133-135, and their dependent claims.*

Independent claim 133 recites a process for assisting presentation of a first sales pitch appropriate for a particular telephone caller of a customer service call center. The process includes receiving and handling at a customer service call center an incoming service call from a

caller seeking assistance and leveraging the incoming service call for assistance as a conduit for soliciting the caller to purchase merchandise or services. The leveraging includes identifying a caller identity or a first caller attribute related to the caller, storing in a first electronic database, prior to the receipt of the incoming service call from the caller, information indicative of past misbehavior of the caller, searching the first electronic database to identify the information indicative of past misbehavior based on at least one of the caller identity or the first caller attribute. The leveraging also includes omitting to search the second electronic database for a potential sales pitch based on the identified information indicative of past misbehavior. The identified information indicative of past misbehavior includes information that the caller has acted illegally or that the caller has violated a terms of service agreement associated with the caller's account. The leveraging also includes routing the service call to a human operator based on the identified information indicative of past misbehavior and assisting the human operator to take the service call based on the identified information indicative of past misbehavior.

Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 133 because Dhir and Kanevsky, either alone or in combination, fail to describe or suggest at least "a call routing code segment that causes the computer to bypass the second database code segment and to route the service call to a human operator based on the identified information indicative of past misbehavior, wherein the identified information indicative of past misbehavior includes information that the caller has acted illegally or that the caller has violated a terms of service agreement associated with the caller's account" (emphasis added), as recited in claim 133.

For at least the forgoing reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 133, along with its dependent claims.

Independent claim 134 recites a system for leveraging an incoming service call for assistance as a conduit to assist a human operator to solicit the caller to purchase a merchandise or service. The system includes, among other features, "a search component configured to identify in the first electronic database the information indicative of past misbehavior based on the caller identity, wherein the information indicative of past misbehavior includes information

that the caller has acted illegally or that the caller has violated a terms of service agreement associated with the caller's account" (emphasis added). As such, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 134, along with its dependent claims, for at least the reasons presented above with respect to claim 133.

Independent claim 135 recites a computer program stored on a computer readable medium for leveraging an incoming service call for assistance as a conduit to assist a human operator to solicit the caller to purchase a merchandise or service. The computer program includes, among other features, "a call routing code segment that causes the computer to bypass the second database code segment and to route the service call to a human operator based on the identified information indicative of past misbehavior, wherein the identified information indicative of past misbehavior includes information that the caller has acted illegally or that the caller has violated a terms of service agreement associated with the caller's account" (emphasis added). As such, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 135, along with its dependent claims, for at least the reasons presented above with respect to claim 133.

*C. Rejection of independent claim 136, and its dependent claims.*

Independent claim 136 recites a process for assisting presentation of a first sales pitch appropriate for a particular telephone caller of a customer service call center. The process includes receiving and handling, at a customer service call center, an incoming service call from a caller seeking assistance and leveraging the incoming service call for assistance as a conduit for soliciting the caller to purchase merchandise or services. The leveraging includes identifying a caller identity or a first caller attribute related to the caller, storing a sales pitch preference in a first electronic database to be used as an additional attribute of the caller. The sales pitch preference includes a preference of the caller not to receive a sales pitch related to a first service or product and not to receive any sales pitches related to a provider of the first service or product. The leveraging also includes searching the first electronic database to determine the additional attribute of the caller based on at least one of the caller identity and the first caller attribute,

searching, based upon at least the additional attribute of the caller, a second electronic database of potential sales pitches to identify a first sales pitch that is not related to the first service or product and is not related to the provider of the first service or product, routing the service call to a human operator for presentation of the first sales pitch to the caller, and assisting the human operator in presenting the first sales pitch to the caller.

Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 136 because Dhir and Kanevsky, either alone or in combination, fail to describe or suggest at least “storing a sales pitch preference in a first electronic database to be used as an additional attribute of the caller, the sales pitch preference comprising a preference of the caller not to receive a sales pitch related to a first service or product and not to receive any sales pitches related to a provider of the first service or product” (emphasis added), as recited in claim 136. In addition, the relied upon portions of Kanevsky by the Office Action also fail to describe or suggest the above-recited feature.

The Office Action relies on, among other sections, column 7, lines 46-54, of Kanevsky to show the above-recited feature. In column 7, lines 46-54, however, Kanevsky teaches “detection of users who are vulnerable to a proposal to buy a given product or service,” and does not, in this portion or in any other portion, describe or suggest “storing a sales pitch preference in a first electronic database to be used as an additional attribute of the caller, the sales pitch preference comprising a preference of the caller not to receive a sales pitch related to a first service or product and not to receive any sales pitches related to a provider of the first service or product” (emphasis added), as recited in claim 136.

For at least the forgoing reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 136, along with its dependent claims.

### ***New Claims***

Newly added claims 151-153 directly depend from independent claims 90, 107, and 120, respectively. As such, Applicant respectfully requests reconsideration and allowance of claims 151-153 for at least the reasons presented above with respect to claims 90, 107, and 120.

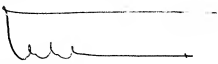
***Conclusion***

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

The \$150 excess claim fees and the \$120 Petition for Extension of Time fee are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to Deposit Account 06-1050.

Respectfully submitted,

Date: 9/18/2006

  
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Babak Akhlaghi  
Reg. No. L0250

Fish & Richardson P.C.  
1425 K Street, N.W.  
11th Floor  
Washington, DC 20005-3500  
Telephone: (202) 783-5070  
Facsimile: (202) 783-2331